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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

IN RE: CATHODE RAY TUBE (CRT)  
 ANTITRUST LITIGATION

Case No. 07-5944 SC  
 MDL No. 1917

This Document Relates to:

*All Indirect Purchaser Actions*

*Sharp Electronics Corp., et al. v. Hitachi Ltd.,  
 et al.*, No. 13-cv-1173;

*Sharp Elecs. Corp. v. Koninklijke Philips  
 Elecs. N.V.*, No. 13-cv-02776;

*Siegel v. Hitachi, Ltd.*, No. 11-cv-05502;

*Siegel v. Technicolor SA, et al.*, No. 13-cv-

**DECLARATION OF HELEN C. ECKERT  
 IN SUPPORT OF SDI DEFENDANTS'  
 ADMINISTRATIVE MOTION TO SEAL  
 DOCUMENTS PURSUANT TO CIVIL  
 LOCAL RULES 7-11 AND 79-5**

**[RE DEFENDANTS' MIL NO. 6]**

1 05261;

2 *Best Buy Co., et al. v. Hitachi, Ltd., et al.*,  
3 No. 11-cv-05513;

4 *Best Buy Co., et al. v. Technicolor SA, et al.*,  
5 No. 13-cv-05264;

6 *Target Corp. v. Chunghwa Picture Tubes,*  
7 *Ltd., et al.*, No. 11-cv-05514;

8 *Target Corp. v. Technicolor SA, et al.*, No. 13-  
9 cv-05686;

10 *Sears, Roebuck and Co. and Kmart Corp. v.*  
11 *Chunghwa Picture Tubes, Ltd.*, No. 11-cv-  
12 05514;

13 *Sears, Roebuck and Co. and Kmart Corp. v.*  
14 *Technicolor SA*, No. 13-cv-05262;

15 *Viewsonic Corp. v. Chunghwa Picture Tubes,*  
16 *Ltd.* No. 14-cv-02510.

1 I, Helen C. Eckert, declare as follows:

2 1. I am an associate at the law firm of Sheppard Mullin Richter & Hampton LLP,  
3 counsel of record for Defendants Samsung SDI America, Inc.; Samsung SDI Co., Ltd.; Samsung  
4 SDI (Malaysia) SDN. Bhd.; Samsung SDI Mexico S.A. De C.V.; Samsung SDI Brasil Ltda.;  
5 Shenzhen Samsung SDI Co., Ltd.; and Tianjin Samsung SDI Co., Ltd. (collectively, "SDI"). I  
6 submit this declaration pursuant to Civil Local Rule 79-5(d) to establish that documents or  
7 portions of documents containing "Confidential" and "Highly Confidential" information pursuant  
8 to the Stipulated Protective Order entered on June 18, 2008 (Dkt. No. 306) and submitted to the  
9 Court in connection with Defendants' Joint Motion *In Limine* To Exclude Improper  
10 Characterizations Of Or References To Defendants And Alleged Co-Conspirators ("Defendants'  
11 MIL No. 6") are sealable. Except for those matters stated on information and belief, about which I  
12 am informed and which I believe to be true, I have personal knowledge of the matters set forth  
13 herein and could and would testify competently to each of them.

14 2. SDI has disclosed or produced to the parties in this action certain documents and  
15 information designated as either "Confidential" or "Highly Confidential" pursuant to the  
16 Stipulated Protective Order entered on June 18, 2008 (Dkt. No. 306).

17 3. On February 13, 2015, SDI filed an Administrative Motion to Seal and lodged the  
18 following documents pursuant to Civil Local Rules 7-11 and 79-5(d) and (e):

- 19 a. Defendants' MIL No. 6; and  
20 b. Exhibit 3 of the Declaration of James L. McGinnis in Support of  
21 Defendants' MIL No. 6 ("McGinnis Declaration").

22 4. Pursuant to Civil Local Rule 79-5(d), I make this declaration on behalf of SDI to  
23 provide the basis for the Court to maintain under seal certain documents and information  
24 designated by SDI as "Confidential" or "Highly Confidential" pursuant to the Protective Order,  
25 and all references to those documents and information in Defendants' MIL No. 6 and Exhibit 3 to  
26 the McGinnis Declaration.

27 5. Specifically, SDI requests the following documents and excerpts of documents to  
28 be maintained under seal: (a) Exhibit 3 to the McGinnis Declaration (the April 15, 2014 expert

1 report of Dr. Stephan Haggard, the direct action plaintiffs' expert witness); and (b) references to  
2 Exhibit 3 to the McGinnis Decl. in Defendants' MIL No. 6.

3         6.         Exhibit 3 to the McGinnis Declaration are excerpts from the April 15, 2014 expert  
4 report of Dr. Stephan Haggard, the direct action plaintiffs' expert witness ("Haggard Report").  
5 The entirety of the Haggard Report has been designated "Highly Confidential" under the  
6 Protective Order. The Haggard Report reflects, contains or refers to confidential information  
7 concerning SDI's business practices, corporate structure and governance, component cost  
8 information, sales strategy, customer relationships and employment histories of top personnel. I  
9 am informed and believe that public disclosure of this sensitive information presents a risk of  
10 undermining SDI's business relationships, causing SDI harm with respect to its competitors and  
11 customers, and/or competitively disadvantaging SDI.

12         7.         The Haggard Report also reflects, contains or refers to materials produced in this  
13 action which SDI designated "Confidential" or "Highly Confidential," including excerpts from the  
14 transcript of the deposition of Jae In Lee, whom SDI designated as a Fed. R. Civ. P. 30(b)(6)  
15 witness. SDI designated these excerpts of the deposition transcript "Highly Confidential" under  
16 the Protective Order. These excerpts contain, cite and/or identify confidential information  
17 concerning SDI's business practices, sales strategies and sales volume to specific customers,  
18 customer relationships, and CRT component cost information. I am informed and believe that  
19 SDI treats such information as highly confidential and has taken reasonable measures to safeguard  
20 it from disclosure outside the company. I am informed and believe that public disclosure of this  
21 highly sensitive information presents a risk of undermining SDI's business relationships, causing  
22 SDI harm with respect to its competitors and customers, and/or competitively disadvantaging SDI.

23         8.         The Haggard Report also reflects, contains or refers to SDI's Responses to Dell  
24 Plaintiffs' Second Set of Requests for Admissions ("SDI's RFA Responses"), designated by SDI  
25 as "Confidential" under the Protective Order. SDI's RFA Responses include confidential,  
26 nonpublic, and sensitive business information about SDI's management structure, as well as the  
27 nonpublic employment histories of certain individuals at SDI. I am informed and believe that this  
28 is sensitive information, and public disclosure of this information presents a risk of undermining

1 SDI's business relationships, causing SDI harm with respect to its competitors and customers,  
2 and/or competitively disadvantaging SDI. The Court previously sealed the Haggard Report (*See*  
3 Order Granting Administrative Motions for Leave to File Under Seal) (MDL Dkt. No. 3498)  
4 (granting administrative motions to seal, Dkt. Nos. 2980, 3168, 3243, 3407). Accordingly, Exhibit  
5 2 should be maintained under seal.

6 9. Redacted portions of Defendants' MIL No. 6 reflect, contain or refer to Exhibit 3 of  
7 the McGinnis Declaration. As with the exhibit itself, I understand that SDI considers any  
8 statements in Defendants' MIL No. 6 purporting to summarize the exhibit or any other documents  
9 or information designated as "Confidential" or "Highly Confidential" by SDI to be confidential  
10 and proprietary, and that public disclosure of such information presents a risk of undermining  
11 SDI's business relationships, causing SDI harm with respect to its competitors and customers,  
12 and/or competitively disadvantaging SDI. Accordingly, redacted portions of Defendants' MIL  
13 No. 6 should be maintained under seal.

14  
15 I declare under penalty of perjury under the laws of the United States of America  
16 that the foregoing is true and correct.

17 Executed this 13<sup>th</sup> day of February 2015 in Los Angeles, California.

18  
19 /s/ Helen C. Eckert

20 Helen C. Eckert